

### **REMARKS**

Applicant thanks the Examiner for the very thorough consideration given the present application. Claims 9, 19, 25, 28, 30-34, 48, 50, 53 and 55 remain in the application and claims 9 and 25 are independent.

The Office Action dated January 28, 2008 has been received and carefully reviewed. In that Office Action new prior art was cited and applied, withdrawing the allowance of claims previously indicated as allowable. Responsive thereto, Applicant requested and conducted an Examiner Interview to discuss the issues extant in the application.

#### **Examiner Interview**

Applicant wishes to thank the Examiner for the courtesies extended to Applicant's representative during an interview conducted by telephone on April 23, 2008. During the interview the features of the invention were discussed by comparison to the applied prior art as explained in the rejections in the most recent Office Action. In particular, proposed amendments were discussed in an effort to bring the prosecution to an appropriate and timely conclusion. More particularly, the above presented amendments were each discussed in detail with a view toward avoiding the prior art, and the Examiner was most helpful in suggesting specific language that would overcome the references as now applied, but that further search or an update may be necessary. Furthermore, the Examiner offered to call Applicant's representative upon formal review, should any further changes be found to be necessary. The claims have been amended in the manner discussed during the interview, and are believed to place the application in condition for allowance. With respect to the amendment of claim 25 it is specifically noted that the Examiner indicated that he was interpreting the language in claim 27 directed to "adjoining pixels" as reading on adjoining groups of pixels as in the reference, and suggested the changes to clarify that the language was directed to comparing "two adjoining pixels". This change has been included.

The Office Action dated January 28, 2008 has been carefully reviewed in light of the discussions which occurred during the Interview. Each issue raised in that Office Action and in

the personal interview is discussed below, and reconsideration and allowance of the pending claims is respectfully requested in view of the above amendments and the following remarks.

*Claim Rejections – Claims 9, 19, 48 and 53*

Claims 9, 19, 48 and 53 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Nishikawa, Belucci, Yamamoto and further in view of the new reference to Sakamoto. Except for the newly cited reference to Sakamoto, this prior art has been discussed in the prior four years of prosecution, and comments made before need not be repeated and are incorporated herein.

In the amendment presented above, claim 9 has been amended to include the limitation that the steps include calculating skin pigmentation correction values according to colors of the abstracted skin pigmentation area and a predetermined skin pigmentation correction target value; wherein the skin pigmentation correction values are calculated by applying non-linear correction functions based on a luminance Y and chromacities Cb and Cr of the abstracted skin pigmentation area. Nishikawa and Sakamoto were referenced in the rejection relative to calculating skin pigmentation correction values. Nishikawa uses detection point setting unit 52, calculating values with comparator 58 and using look-up table 60 to correct the colors. Nishikawa does not calculate skin pigmentation correction values by applying non-linear correction functions based on a luminance Y and chromacities Cb and Cr of the abstracted skin pigmentation area. Sakamoto is directed to separating the target area from the background areas and does not calculate skin pigmentation correction values by applying non-linear correction functions based on a luminance Y and chromacities Cb and Cr of the abstracted skin pigmentation area. Accordingly, Applicant submits that none of the applied references, either taken singly or collectively, teaches or suggests the limitations now recited in claim 9. Accordingly, Applicant requests reconsideration and withdrawal of the rejection of claim 9, and claims 19, 48 and 53 are also believed to be allowable based upon their dependence on claim 9.

*Claim Rejections – Claims 25, 27, 28, 50 and 55*

Claims 25, 27, 28, 50 and 55 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Belucci, Yamamoto and further in view of the new reference to Sakamoto. Except for the

newly cited reference to Sakamoto, this prior art has been discussed in the prior four years of prosecution, and comments made before need not be repeated and are incorporated herein.

In the amendment presented above, claim 25 has been amended to incorporate the features of claim 27, and including the specific language suggested by the Examiner in the Interview. Claim 25 now requires that the step of separating the image into the plurality of area comprises: comparing properties of adjoining pixels of the image; and determining that two adjoining pixels belong in the same area if the compared properties of the two adjoining pixels are less than predetermined thresholds for each property compared.

The prior rejection of claim 27 relied upon Sakamoto to show the feature of claim 27, the Examiner taking the position that the term “adjoining pixels” as used in the claim could be read on adjoining groups of pixels, which was alleged to have been shown by Sakamoto in columns 47-50. Former claim 27, now claim 25, has been amended to make clear that it is the properties of two adjoining pixels that are compared to determine areas. Accordingly, Accordingly, Applicant submits that none of the applied references, either taken singly or collectively, teaches or suggests the limitations now recited in claim 25. Accordingly, Applicant requests reconsideration and withdrawal of the rejection of claim 25, and claims 28, 50 and 55 are also believed to be allowable based upon their dependence on claim 25.

#### Claim Rejections – Claims 30-34

Claims 30-34, which all ultimately are dependent upon claim 25, are now rejected under 35 U.S.C. § 103(a) as unpatentable over Belucci, Yammamoto and further in view of the new reference to Sakamoto, in combination with Daly, O’Brill, Fujimoto and Nishikawa. Since each of these tertiary references were cited to address other features in dependent claims, and since none of these references teach or suggest the step of separating the image into the plurality of area by comparing properties of adjoining pixels of the image; and determining that two adjoining pixels belong in the same area if the compared properties of the two adjoining pixels are less than predetermined thresholds for each property compared, Applicant submits that none of the applied references, either taken singly or collectively, teaches or suggests the limitations now recited in claim 25, and therefore claims 30-34 dependent thereon are also allowable over the prior art.

Conclusion

All objections and rejections raised in the Office Action having been properly traversed and addressed, it is respectfully submitted that the present application is in condition for allowance. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Notice of same is earnestly solicited.

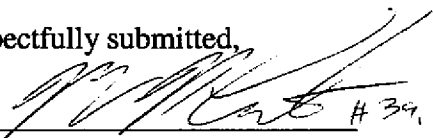
Prompt and favorable consideration of this Amendment is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Paul T. Sewell, Registration No. 61,784, at (703) 205-8000, in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

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